

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

UNITED STATES OF AMERICA)
)
 vs.)
)
LUIS ENRIQUE GARCIA,)
)
 Defendant.)

)

TRANSCRIPT OF INITIAL APPEARANCE
BEFORE THE HONORABLE DAVID S. CAYER
UNITED STATES MAGISTRATE JUDGE
DECEMBER 20, 2012

APPEARANCES:

On Behalf of the Government:

ELIZABETH GREENE, ESQ.
United States Attorney's Office
227 West Trade Street, Suite 1700
Charlotte, North Carolina

On Behalf of the Defendant:

DOUGLAS EDWARDS ROBERTS, ESQ.
Federal Public Defender's Office
129 West Trade Street, Suite 300
Charlotte, North Carolina

Proceedings digitally recorded and transcribed by:

Cheryl A. Nuccio, RMR-CRR
Official Court Reporter
United States District Court
Charlotte, North Carolina

P R O C E E D I N G S

(Transcript of proceedings digitally recorded on
December 20, 2012.)

(Interpreter was sworn.)

THE COURT: United States versus Luis Garcia.

Are you ready to proceed, Mr. Roberts?

MR. ROBERTS: We are, Your Honor.

THE COURT: Stand up, sir.

Sir, this is your first appearance in United States
district court. The attorney standing in with you is
Mr. Roberts with the federal defender's office. He's here to
assist you during the hearing today.

You do have a right to remain silent and anything
you say may be used against you. Do you understand that
right?

THE DEFENDANT (Interpreter): Yes.

THE COURT: You have been charged in an indictment.
I'm going to summarize the charges and make sure you
understand the penalty if you're convicted on these charges.

The first charge is that from 2008 to on or about
December 7, 2012, in Watauga County, within this district,
that you conspired with others to distribute and possess with
intent to distribute at least 500 grams of methamphetamine.
Do you understand what I'm saying the charge is, sir?

THE DEFENDANT (Interpreter): Yes.

1 THE COURT: What is the penalty there, Ms. Greene?

2 MS. GREENE: Your Honor, the penalty for that
3 particular count is a minimum of ten years up to life in
4 prison, a \$10 million fine, and at least five years of
5 supervised release.

6 THE COURT: Do you understand what the U.S. attorney
7 said the maximum and minimum penalty is there?

8 THE DEFENDANT (Interpreter): Yes.

9 THE COURT: The second charge is that on or about
10 December 7, 2012, in Watauga County, within this district,
11 that you knowingly and intentionally possessed with intent to
12 distribute at least 50 grams of methamphetamine. Do you
13 understand that charge, sir?

14 THE DEFENDANT (Interpreter): Yes.

15 THE COURT: And the penalty there, Ms. Greene, is?

16 MS. GREENE: Your Honor, for that the minimum term
17 of imprisonment is 5 years and the maximum would be 40 years.
18 It's a \$5 million fine and a term of supervised release.

19 THE COURT: Do you understand the minimum and
20 maximum penalty there, sir?

21 THE DEFENDANT (Interpreter): Yes.

22 THE COURT: There's also a forfeiture provision
23 where the government is seeking to forfeit \$80,000 that were
24 seized.

25 You have a right to be represented by a lawyer. And

1 if you can't afford a lawyer, I'll consider appointing a
2 lawyer for you. Will you be able to hire a lawyer, sir?

3 THE DEFENDANT (Interpreter): I don't have any
4 money.

5 THE COURT: Has he filled out an affidavit,
6 Mr. Roberts?

7 MR. ROBERTS: He has, Your Honor.

8 THE COURT: All right. You may hand that up.

9 (Pause.)

10 THE COURT: I'll appoint counsel, sir. The federal
11 defender will assign an attorney to your case.

12 Is the government moving for detention?

13 MS. GREENE: The government is moving for detention.

14 THE COURT: Sir, they're asking that you be held
15 without bond so I'll set a court date for a bond hearing where
16 the court will determine whether you're held without bond or
17 released on conditions. Your appointed attorney will be with
18 you at that time.

19 What's his court date, Madam Clerk?

20 THE CLERK: Thursday, the 27th, at 10:00 a.m.

21 THE COURT: Next Thursday, sir, will be your bond
22 hearing. Your appointed attorney will be in touch with you.

23 (End of proceedings.)

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1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF NORTH CAROLINA
3 CERTIFICATE OF REPORTER
4
5

6 I, Cheryl A. Nuccio, Federal Official Realtime Court
7 Reporter, in and for the United States District Court for the
8 Western District of North Carolina, do hereby certify that
9 pursuant to Section 753, Title 28, United States Code, that
10 the foregoing is a true and correct transcript of the
11 digitally-recorded proceedings, transcribed to the best of my
12 ability, held in the above-entitled matter and that the
13 transcript page format is in conformance with the regulations
14 of the Judicial Conference of the United States.

15

16 Dated this 26th day of January 2014.

17

18 s/Cheryl A. Nuccio

19 Cheryl A. Nuccio, RMR-CRR
20 Official Court Reporter
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